

Remarks

Applicant appreciates the Examiner allowing claims 1 to 7. Remaining independent claims 8 and 10 have been rejected under 35 U.S.C. §103(a) as being obvious over Taniguchi in view of Fukasawa. Independent claims 12 and 13 are similarly rejected over these two references and Lee, which is cited as showing the NDF bits.

In response, no amendments are being filed to the claims at present. It is respectfully submitted that these claims are distinct over the prior art references cited by the Examiner, and applicant traverses the claim rejections under 35 USC 103(a), for the following reasons.

Claims 8 and 10 specify that "in order to communicate a message relating to said first data signal said other data port is arranged to embed said message in one or more pointer bits associated with the path of said second data signal...". The Examiner acknowledges this is not shown by Taniguchi, but asserts that it is shown by Fukasawa col 19. This reference does not show inserting a message but shows inserting a pseudo random sequence as a test pattern PN (col 4 line 60 onwards). This is inserted to enable errors to be detected, by comparing the received pattern to the transmitted pattern. This claimed "message" cannot be interpreted as encompassing the pseudo random test pattern of Fukasawa for the following reasons. A message implies some information is being transferred in the message. A random sequence carries no information, by definition, and in this case is not intended to convey any information. Its only purpose is to enable a check that the transmission path has not introduced any errors. This does not involve any deliberate insertion of information, and so this is not a message nor equivalent to a message.

Accordingly even if Taniguchi and Fukasawa were to be combined, the claim feature of inserting a message in the pointer bits is not shown, nor suggested for any

reason. In any case, there is no incentive to combine these two references. There is no suggestion of the advantages of being able to provide a signaling path between data ports, nor any hint of how to achieve this. For these reasons, claims 8 and 10 are nonobvious.

Independent claims 12 and 13 also specify the distinctive feature of: "In order to signal a message between data ports, the apparatus is arranged to embed said message in one or more of the new data flag (NDF) bits.....". As the NDF bits are examples of parts of a pointer, and since these claims specify embedding a message, they are allowable for the same reasons as claims 8 and 10.

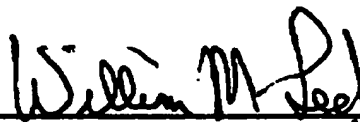
The dependent claims are allowable since they have all the features of allowable independent claims.

The applicant has not understood why the Examiner has asserted in relation to claims 8 and 10 that Taniguchi shows the features of a path selection module, since these claims do not recite this feature. In case the claims in the Examiner's file differ from those in the applicants file for any reason, the claims can be provided, again, to the Examiner.

Accordingly, applicant believes the present invention is patentably distinct over the prior art references cited by the Examiner and respectfully respects favorable reconsideration.

July 16, 2004

Respectfully submitted,



William M. Lee, Jr.
Registration No. 26,935
Barnes & Thornburg LLP
P.O. Box 2786
Chicago, Illinois 60690-2786
(312) 214-4800
(312) 759-5646 (fax)